

### **Analysis**

As previously mentioned, Lu fails to disclose a colored resin substrate. Rather, Lu discloses a substrate 12 and a colored layer 18 thereon. This is similar to the prior art discussed on pages 2-3 of the pending specification.

The Examiner turns to Kuroda to assert that the use of a colored resin substrate was known. Specifically, Kuroda discloses a transparent substrate with a light absorbing layer (Fig. 1) or, alternatively, a colored resin substrate (Fig. 4).

Although these features of claims 1 and 2 are separately disclosed by these two references, there is no motivation to combine these references, i.e., one of ordinary skill in the art would not have thought to have modified Lu to utilize a colored resin substrate in place of the separate resin and colored layer, and thus, a prima facie case of obviousness is unsupported.

In response to Applicants' explanation that one would not have turned to Kuroda to modify Lu since Kuroda is directed to optical disks rather than liquid crystal displays, the Examiner argues (page 4 of Final Office Action) that it is common practice to employ a dual function layer or element in the liquid crystal art. In addition, the Examiner states that the colored resin substrate in Kuroda provides the same function of light absorption as does Lu. Thus, the Examiner jumps to the conclusion that the use of a colored substrate having the functions of a substrate and a color filter would have been obvious even though Kuroda is not directed to liquid crystal technology. The Examiner has attached evidence that the concept of employing a dual function layer or element is common in the liquid crystal art. Although the Examiner's evidence shows that dual function layers exist, it does not specifically disclose a

support substrate that would also absorb light, i.e., a colored resin substrate, in the liquid crystal display art.

In other words, the Examiner is effectively arguing that it would have been obvious to modify Lu in view of the common knowledge in the art of liquid crystal technology (use of single substrate for two functions) and the Kuroda reference (use of a colored resin substrate in a field unrelated to liquid crystal technology).

Even given the evidence that dual function layers are known in the liquid crystal art, one of ordinary skill in the liquid crystal art would not have thought to have turned to the optical disk technology for improving the liquid crystal display of Lu. One simply would not have turned to Kuroda in the first place without the benefit of hindsight.

More specifically, Lu is concerned with improving the display contrast of a liquid crystal **display device**, and more particularly, a colored display.<sup>1</sup> On the other hand, Kuroda is concerned with providing a high density **optical disk** which can be used with a conventional CD player.<sup>2</sup> Specifically, Kuroda is concerned with the spectrometry characteristics so that the light absorption rate is large for the near infrared ray band but small for the reproduced light wavelength band. There is no concern with visibility of a display.

Further, one having ordinary skill in the art would not have been motivated to employ the concept of Kuroda into Lu being directed to a backside substrate which **reflects** rather than

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<sup>1</sup> Col. 1, lines 6-10.

<sup>2</sup> Col. 1, lines 5-13.

**absorbs** light, since the objectives for using a colored layer of the references are completely different.

Finally, the Examiner provides an unsupported motivation for combining the references, thus, failing to meet the requirements for a prima facie case of obviousness. The alleged motivation for the prior art rejection is based on “reducing the thickness, the weight and the manufacturing cost of the LCD device”<sup>3</sup>; however, neither Lu nor Kuroda is concerned with these features or objectives. Rather, **only the instant application** is concerned with these features. Thus, the motivation for the alleged combination is based on hindsight.

In view of the foregoing, Applicants respectfully request the Examiner to reconsider and withdraw the prior art rejections of claims 1 and 2.

The remaining rejections are directed to the dependent claims. These claims should be patentable for at least the same reasons as claims 1 and 2, by virtue of their dependency therefrom.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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<sup>3</sup> See Final Office Action, bottom four lines of page 2.

Request for Reconsideration under 37 C.F.R. § 1.116  
U.S. Appln. No. 09/782,201

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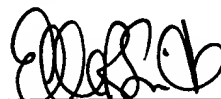
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